IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3286 OF 2003

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

Shri A.A.Kumbhakoni with Shri Amit B.Borkar for the Petitioner.

Shri P.D.Dalvi for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 16th Oct., 2004.

P.C.:

1. This petition under Article 227 of the Constitution of India has been filed by the Petitioner taking exception to the order dated 12th February 2003 passed by the Cooperative Court No.2, Kolhapur which has been confirmed in Revision by the Cooperative Appellate Court on 25th February 2003.

2. The Petitioner is the disputant before the Cooperative Court. The dispute filed by the Petitioner is still pending at the stage of hearing of the interim application. At this stage an application was made by the Petitioner before the Cooperative Court seeking direction of the Cooperative Court against the Respondent to produce various documents mentioned in the said

application. The said application has been rejected by the impugned order.

3. I have heard the learned Counsel appearing for the parties. The impugned order passed by the Cooperative Court is an interlocutory order. Before making an application of this nature, the Petitioner has not even called upon the Respondent to produce the documents by issuing a notice to produce the documents. It is not the case of the Petitioner that such a notice to produce was given and inspite of service of such notice, the Respondent has not produced the relevant documents. In the circumstances, the application made by the Petitioner was misconceived.

4. Hence no fault can be found with the impugned Judgments and orders. Petition is rejected with no order as to costs.

5. Notwithstanding the rejection of this petition, it will be open to the Petitioner to give notice to produce documents to the Respondent in accordance with the law.

6. Parties to act on authenticated copy of this order.

Judge.